REMARKS

Applicant has amended the title to more clearly indicate the invention to which the claims are directed. Applicant has amended claims 1 and 5 to correct the cited minor informalities therein. Applicant also has amended the specification to correct minor informalities.

Applicant respectfully traverses the 35 U.S.C. § 102(b) rejection of claims 1-9 and 23-29 over J. Heinzmann and A. Zelinsky, "3-D Facial Pose and Gaze Point Estimation using a Robust Real-Time Tracking Program," IEEE Int. Workshop on Automatic Face and Gesture Recognition, pp. 142-147, 1998 ("Heinzmann").

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a prior art reference. See M.P.E.P. § 2131. As recited in the present claims, e.g. amended independent claim 1, among other things, a motion estimating means uses a perspective transformation. This claim language is supported at least in pg. 1, l. 15 to pg. 2, l. 25 of the as-filed specification, and does not constitute new matter. In contract, Heinzmann discloses using an affine transformation. See pg. 144, col. 1, para. 5 - col. 2, para. 3 of Heinzmann. Furthermore, Heinzmann specifically discloses that affine transformations should be used instead of perspective transformation due to alleged simplicity of calculations, decreased ambiguity, and speed. See pg. 144, col. 1, para. 5 of Heinzmann. Heinzmann, therefore, does not disclose each and every element set forth in amended independent claim 1, and at least for this reason, this reference does not anticipate either claim 1, or its dependent claims 2-9 and 23-29.

Applicant respectfully traverses the 35 U.S.C. § 103(a) rejection of claim 10 over Heinzmann in view of Park, K. R., et al., "Gaze position detection by computing the

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three dimensional facial positions and motions," Patter Recognition, Vol. 35, No. 11,

Nov. 2002, pp. 2559-2569 ("Park").

To establish a prima facie case of obviousness, the Examiner must show some

teaching, suggestion, or motivation in the prior art that would lead a person of ordinary

skill to modify or combine the teachings of prior art references. See MPEP § 2143(G).

The Examiner must show that each limitation of the claimed invention is within the prior

art or knowledge of person of ordinary skill in the art. MPEP § 2143(A); Ex parte Wada,

App. No. 2007-3733 at 7 (B.P.A.I. Jan. 14, 2008). As discussed above, Heinzmann

does not disclose or suggest all of the features recited in amended independent claim 1.

In fact, Heinzmann expressly teaches away from claim 1, by expressly disclosing that

perspective transformation should not be used, because affine transformations are

allegedly superior in terms of simplicity of calculations, decreased ambiguity, and

speed. Park does not disclose the elements, discussed above, missing from

Heinzmann. The combination of Heinzmann and Park, therefore, does not disclose or

suggest all of the features of dependent claim 10, and, consequently, does not establish
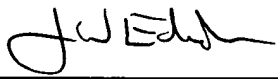
a prima facie case of obviousness.

In view of the foregoing amendments and remarks, Applicant respectfully

requests reconsideration of this application and allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge

any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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Dated: March 31, 2009   By:_____

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